

FARMINGTON CITY PLANNING COMMISSION

Thursday, January 8, 2004

PLANNING COMMISSION STUDY SESSION

Present: Chairman Cory Ritz, Commission Members Bart Hill, Keith Klundt, John Montgomery, Cindy Roybal, Jim Talbot, and Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman.

Chairman Ritz began discussion at 6:30 P.M.

Kent Buie asked that the Planning Commission consider the Shepard Creek Towne Center project as a discussion item in their study session. Mr. Buie commented that one problem faced by almost any commercial development in Farmington was the lack of significant numbers of roof tops. A 40-acre commercial site is too large and would not succeed on the property being considered for the Shepard Creek Towne Center. However, 15 acres may be viable. Attempts had been made to bring “big box” corporations to the area, but had been unsuccessful. The economic study recently completed by the Ross Corporation is supportive of commercial development on the property under consideration. Commission members asked questions about access, traffic patterns, and potential uses. Mr. Buie stated that it would help the sale-ability of the commercial property if there were high-scale residential units constructed nearby. Mr. Buie introduced Dan McCadden and Doug Eisner of Alliance Residential Company.

Mr. McCadden and Mr. Eisner gave the Planning Commission information regarding some Alliance Residential Company’s projects already built in Utah. The apartment living projects are professionally managed by the Alliance Residential Company. They discussed plans for the project in Farmington near the Rose Cove apartments.

Chairman Ritz asked the Planning Commission members for their feedback, which included the following points:

- There was concern about the slow sales of other apartment projects in the nearby area.
- Large box businesses will likely not fit in the area under consideration.
- Density probably needs to stay between 18 to 20 units per acre. The market may be able to handle the project, but it will take time to build out. Some members of the Commission were concerned about the density and the impact it would have on the traffic pattern in the area. Even with the I-15 and U.S. 89 reconstruction, it may have a negative effect on the area.

- If approved, Commission members stated they would want to have the project be successful. It was noted that prior projects had a great deal of problems.
- The Planning Commission wanted to see more data about the potential for success in the area of apartment buildings.
- The area needs to have an infusion of house tops in order to have retail or other commercial endeavors be successful. The area in question may be one of the most likely places for an apartment project to be successful.
- It would be good for the City Council to hear the same presentation. It was also suggested that the Planning Commission take a field trip to one of the Alliance Residential Company projects.

PLANNING COMMISSION REGULAR SESSION

Present: Present: Chairman Cory Ritz, Commission Members Bart Hill, Keith Klundt, John Montgomery, Cindy Roybal, Jim Talbot, and Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman.

Chairman Ritz called the meeting to order at 7:00 P.M. He welcomed new members of the Commission. The invocation was offered by **Bart Hill**.

MINUTES

Bart Hill moved that the Planning Commission approve the minutes of the December 4, 2003, Planning Commission meeting with corrections as noted. **Jim Talbot** seconded the motion, which passed by unanimous vote. Mr. Montgomery and Mr. Klundt abstained due to the fact that they were not members of the Planning Commission during the last meeting.

THE BOYER COMPANY REQUEST FOR A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE PROPOSED FARMINGTON RANCHES EAST SUBDIVISION CONSISTING OF 55 LOTS ON 27.86 ACRES LOCATED AT THE NORTHEAST CORNER OF CLARK LANE AND 1525 WEST IN AN AE ZONE (S-6-03) (Agenda Item #2)

Background Information

The Farmington Ranches East Subdivision has open space parcels within the interior of the subdivision which will be designated as common area. When a subdivision contains land which is reserved in private ownership for community use, the subdivider shall submit with the

final plat, the name, proposed articles of incorporation and by-laws of the owner organization empowered to own, maintain, or pay taxes on such land. Additionally, conservation easements will also be recorded over the open space areas further dictating the maintenance responsibilities of the homeowners association.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information.

Chairman Ritz invited the applicant to address the Commission.

Dick Moffat (applicant) stated he would be available if the Commission members had any questions.

Mr. Petersen reviewed the policy being followed in the west part of Farmington directing that an equestrian trail was to be constructed on one side of the street instead of a sidewalk. He also stated that at one point there had been consideration of piping the stream corridor through the area. However, because there was very little slope for flow, it was decided to leave the stream open and landscape it for safety and esthetics. Piping would create maintenance difficulties.

Motion

Bart Hill moved that the Planning Commission recommend to the City Council final plat approval for the Farmington Ranches East Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The development shall comply with conditions of preliminary plat approval.
2. The developer shall obtain a flood control permit from Davis County and submit a copy of the permit to the City for its files.
3. Review and approval of final plat and improvement drawings, including a grading and drainage plan, and a plan implementing best management practices consistent with the City's Storm Water Management Plan, by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District and Weber Basin Water Conservancy District.
4. The developer shall enter into a development agreement prior to or concurrently with final plat approval to address issues related to the subdivision, including but

not limited to:

- A. The trail connecting to the Denver & Rio Grande right-of-way.
 - B. Reimbursement for system improvements along Clark Lane.
 - C. Maintenance and ownership of the 32 foot wide drainage channel.
 - D. The transfer of development rights and a conservation easement regarding the off-site parcel located west of the project on 1525 West Street.
5. Submit for review by the City, covenants, conditions, and restrictions for the project.

John Montgomery seconded the motion, which passed by unanimous vote.

Findings

- 1. The developer had gone to considerable work to cooperate with the requests of the City. They have committed to improve the road and will move the sidewalk to the other side of the road in order to accommodate the safety of children and assist in drainage flow.
- 2. The action meets City ordinances and the General Plan for the area.

PUBLIC HEARING: RAINEY HOMES REQUEST FOR APPROVAL FOR A TWO LOT SUBDIVISION (LOT SPLIT) LOCATED AT APPROXIMATELY 1650 SOUTH 200 EAST IN AN LR-F ZONE (S-1-04) (Agenda Item #3)

Background Information:

Presently, a historic home is located on the north side of the parcel (Parcel A). Rainey Homes proposes to divide the parcel in two for purposes of establishing a model home for the Tuscan Cove project on the south Parcel (Parcel B). (See Agenda Item 8, Application TU-1-04.) This application is consistent with Farmington City ordinances whether or not a model home with a sales office is approved by the Planning Commission and City Council. If the proposed sales office in the model home is not constructed, it will remain a viable lot for some future owner to construct a single family home.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He mentioned that the City Council had considered the request but wanted to have the input of the Planning Commission. The request is consistent with City ordinances and standards. He recommended approval of the request.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

Brent Mitchell (Rainey Homes) stated the proposed home would be set back from the front property line and that parking for those who wish to view the home would likely not be a problem. Mr. Mitchell stated he would be available for questions from Commission members.

Bret Frodsham (230 East 1700 South) liked the lot split but had concerns about sewer hook ups and drainage connections.

Mr. Mitchell stated that it was his assumption that they would have to go under State Road 106 to connect to the sewer.

Public Hearing Closed

With no further comments forthcoming, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration. The following points were made:

- The existing home would remain the property of the current owner.
- Zoning would allow for the lot split being requested.
- Curb, gutter, and sidewalk are not available on the property so an extension agreement could be required as part of the building permit.
- Care should be taken that the back of parcel B not remain a landlocked parcel.
- There are no plans to modify the existing home, therefore the Historical Preservation Commission has not been contacted.

AGENDA AMENDMENT

Jim Talbot moved that the agenda be amended to consider the current agenda item in connection with Agenda Item #8. **Bart Hill** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: RAINEY HOMES REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A MODEL HOME LOCATED AT APPROXIMATELY 1650 SOUTH 200 EAST IN AN LR-F ZONE (TU-1-04) (Agenda Item #8)

Background Information:

The Tuscany Cove Subdivision consisting of 25 lots on approximately 15 acres was recently recorded just east of the proposed temporary sales office. It appears that Rainey Homes will be the homebuilder for the Tuscany Cove development. It is their desire to construct a sales office within a model home to attract business to the development. It is further proposed by Rainey Homes to locate on an adjacent but off-site parcel (Parcel B of the proposed lot split described in a previous agenda item.) Section 11-28-120(f)(10) discusses the definition of a sales office which means “A model home within a development which serves as an office for sale or lease of property within the development.” The applicant appeared before the City Council on December 10, 2003, requesting approval for an exception to “within a development” standard. The City Council tabled consideration to allow time to appear before the Planning Commission before a public hearing and to receive the Planning Commission’s recommendation regarding the matter.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information for Agenda Item #8.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration. The following points were made:

- Commission members were concerned about how the model home would fit with the existing homes.
- Commission members raised concerns regarding setting a precedence. They felt a time limit should be required for occupancy in the home as a “model” home. They discussed possible time limits.

- The question was asked why the model home was not being built in Tuscany Cove so that people could see the actual ground where the houses would be built. The developer stated that the home was going to be in the Parade of Homes and the Tuscany Cove lots would not be ready in time for the construction. Also, the company wanted to have the model home on a main road for visibility.
- Commission members discussed whether or not there should be a sidewalk in place for the model home. In view of prior requirements given to nearby developers, it would be fair to ask the developer to install the sidewalk at that time of construction. The developer was in favor of installing the sidewalk, curb, and gutter prior to occupation. It would not fit with the surrounding homes, but the future may bring sidewalk to adjacent properties.
- The developer would landscape the area in front of the home but would not disturb the hillside slope adjacent to the Tuscany Cove development.

Motion on Agenda Item #3

Bart Hill moved that the Planning Commission approve the lot split located at approximately 650 south 200 East as requested subject to the property owner installing public improvements including, but not limited to, curb, gutter, and sidewalk and asphalt extension for the full length of the property as it abuts State Route 106 running from north to south approximately 350 feet.

Jordan White seconded the motion, which passed by unanimous vote.

Motion on Agenda Item #8

Jordan White moved that the application for conditional use and site plan approval to establish a temporary sales office in a model home located at approximately 1650 South 200 East be approved subject to compliance with all applicable ordinances, requirements and development standards and the following conditions:

1. The City Council must provide an exemption to the applicant in writing to allow the temporary office to be located off site outside the boundaries of the Tuscany Cove Subdivision.
2. Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Zoning Ordinance in which the use will be conducted. All signs shall be removed when the activity ends.

3. No loudspeakers or amplifying sound devices shall be used in conjunction with the temporary use.
4. Outdoor lighting if used shall be subdued. All lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Search lights shall not be permitted.
5. The conduct of temporary uses in residential zones shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
6. The temporary office in the model home may exist up until the last lot of the Tuscany Cove Subdivision is sold; 24 months or the sooner of the two
7. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed and the space shall be converted to function as a garage upon termination of the temporary office.

Bart Hill seconded the motion, which passed by unanimous vote.

Findings for Both Agenda Item #3 and Agenda Item #8

1. The request met with all zoning standards for a lot split.
2. The request was an appropriate use for the property.
3. The “model” home would facilitate sales of homes in Tuscany Cove.
4. The motion met with all ordinances and standards and the General Plan for the area.

PUBLIC HEARING: SCOTT AND BRENT RUSSON REQUEST FOR A RECOMMENDATION TO AMEND THE FARMINGTON CITY GENERAL PLAN BY RE-DESIGNATING 1.64 ACRES LOCATED AT 1798 NORTH MAIN FROM “LOW DENSITY RESIDENTIAL” TO “OFFICE/BUSINESS PARK,” AND TO FURTHER CONSIDER RE-ZONING THE PROPERTY FROM LR-F TO BP FOR PURPOSES OF ESTABLISHING A FUNERAL HOME (Z-9-03) (Agenda Item #4)

Background Information:

The subject property is located next to the Cherry Hill/U.S. 89 interchange. For years the only access from the east side of U.S. 89 to Main Street consisted of right-in, right-out turning movements only. In the last few years UDOT constructed a multi-million dollar interchange at

this location which provides for all turning movements, including on and off ramps to U.S. 89 from Main Street. Due to the very large public investment at this location, it is assumed that property values have increased dramatically for vacant land close to the interchange.

Large parcels of land in the area are still zoned and master planned for agriculture uses. Several months ago David Potter, a local property owner, approached the Planning Commission about the possibility of amending the General Plan and rezoning his property for higher intense uses. The Planning Commission at the time agreed that single-family residential homes next to the interchange may not be the highest and best use for the property owner. Nevertheless, they were hesitant to recommend retail land uses to Mr. Potter. (The Potter property is across the street from the subject property.) They did indicate, however, that higher density, owner-occupied housing and/or office type uses may be appropriate. They told Mr. Potter that they may be willing to consider recommending an amendment to the General Plan upon receiving an application. The request from the Russon brothers is consistent with the previous discussions between the Planning Commission and Mr. Potter.

The current General Plan states:

“The plan sets the direction which the City should take but should be flexible enough to adapt to changing conditions. It should be understood that, once adopted, the plan is not static but should evolve as the community evolves. The economy, new administrations, and unforeseen events may effect the plan. For this reason it should be reevaluated from time to time to ensure its relevancy.”

This statement was written prior to the construction of the Cherry Hill interchange. “Unforeseen events” such as a \$40 million interchange should justify the need for a plan amendment. Over 16 months ago, due to the impact of the Legacy Highway, commuter rail, the U.S. 89 reconstruction project, and the Cherry Hill interchange construction project, the City embarked on a process to amend the General Plan along the U.S. 89 corridor including parts of west Farmington. In conjunction with this, an evaluation of commercial uses and development within the City of Farmington along the U.S. 89 corridor was prepared by Tom Wooten of the Ross Consulting Group. Mr. Wooten recommended that further retail development of the U.S. 89 commercial sector (i.e., the old Kmart building and Smith’s) should progress in a more concentrated manner. If development spreads too long and thin along this corridor without a critical mass, each development will suffer. This recommendation is particularly important with regard to retail development. The proposed funeral home is not retail development thus the proposed location for the funeral home will not impact the viability of existing retail.

The funeral home appears to be an acceptable transition use between residential neighborhoods to the east and more intense development that may occur to the west. Because of the Cherry Hill interchange, the property is no longer conducive to a single-family residential

development. A quality use such as a funeral home may set the tone aesthetically for development that may occur in the area in the future. Furthermore, the landscaping planned for the funeral home may enhance the landscaping efforts recently implemented and/or planned for the Cherry Hill interchange.

It is not necessary for an applicant to submit a schematic plan as part of the rezone process, but it is encouraged and highly desirable in providing the Planning Commission with more information to make a better decision.

END OF PACKET MATERIAL

Mr. Petersen covered the background information. He mentioned that across the street from the property in question is a UDOT detention basin. Much of the surrounding property across the street is still zoned as "Agriculture." Property values in the area have increased dramatically due to the investment by UDOT into the interchange just north of the proposed project. The area may likely not be good single family residential development land because of its proximity to the U.S. 89 interchange. Mr. Petersen suggested approval of the request because it would be a good transitional use for the subject property.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

Glenn McKay (realtor representing the Russon Brothers) stated the Russon Brothers were currently located in Bountiful on Main Street. The mortuary in Bountiful is a quality business. The Russon Brothers are concerned and careful about being a good neighbor and would be mindful of traffic flow and its impact on surrounding property owners. Seventy-five percent of the services of the Russon Brothers is off site (at church houses, cemeteries, etc.).

Mark Callister (1958 North Kingston) stated he was concerned about the project. He wanted the area protected as a residential area. He would, however, prefer the funeral home over a gas station or a fast food business. Mr. Callister was concerned that if the funeral home was allowed, it may open the door for other commercial endeavors. Mr. Callister also wanted to know about the mortuary business and what uses there would be on the site.

Mr. Petersen felt the funeral home may actually be a deterrent to intense commercial uses. He reviewed the requirements of the requested zoning and covered both allowed and conditional uses in the BP zone.

Marsha Bennett (870 West Somerset Street) questioned whether or not there had been good notice sent to the neighbors.

Mr. Petersen said the notices went to about 120 homes. There was a mistake made on a few homes, but when the mistake had been discovered notices were delivered by hand.

Michael Brown (2018 Kingston Road) had concerns about the large mortuary business. He felt parking may not be adequate and that cars may be forced to park on the street which would cause safety problems for the neighborhood. Parking needs would likely be most inadequate during the dark, evening hours.

Doreen Poulsen (1732 North Main Street) stated the increase of traffic is a serious safety problem. The speed of the traffic from the overpass is very dangerous. There have been many close calls. Ms. Poulsen was concerned about the increase of traffic which would be brought in by the mortuary business.

Steve Morgan (987 West Melbourne Court) felt that the mortuary business would open the door for commercial development in the residential area. Safety was also a major concern. He asked the Planning Commission to deny the request.

Linda Hoffman (1766 Campden Court) agreed with the concerns raised by other citizens. The entrances to Somerset are very dangerous and difficult to negotiate. Locating the funeral business abutting private homes would have the results of eliminating the residents around it. She requested that the Planning Commission wait to decide about the funeral home proposal until the master plan for the area had been reconsidered. She suggested the mortuary be placed near the junior high school.

David Sevier (?) (790 South Hampton Court) felt there would be a problem with traffic flow from the mortuary parking lot. He felt the City should not add to the 45,000 cars per day that use the interchange. Mr. Sevier wanted to keep Farmington as a quiet residential town. He also felt consideration of the agenda item should be delayed until a better notification could take place.

Tracy Harris (761 West South Hampton Court) said that there are terrible traffic problems in the area. The increase of cars in the area have caused dangerous safety issues. The traffic flow will not get better by adding a funeral home. She felt that if there was a business allowed on the property there would be other businesses to follow. Ms. Harris wanted to preserve the open space and rural atmosphere of Farmington.

Wayne Bates (1023 Melbourne Circle) built a home in the area with knowledge of the coming intersection. He built the home specifically with a view of rural property. He did not

want a funeral home in that view. He wanted a pro-active plan for the future of the property. Mr. Bates suggested that a professional be hired to help master plan the land

Sharon Treu (931 West Northridge Road) would be effected directly by the development of the adjacent property. She was opposed to the development of commercial business of any kind on that property. Ms. Treu felt there should be a professional study done to determine the use of the property, especially in light of traffic flows and existing residential density. There would also be concerns about the mortuary business and their obvious need for lights and signs.

Anthony Seymore (Hampton Court) stated that the traffic in the area is currently chaos. He felt that there should be solutions to the problems that already exist in the area. He felt that there were unwise decisions made regarding the current transportation construction.

Randy Palmer (964 Lands End Road) stated that his home had already been impacted by the construction of the interchange and some of the other transportation needs. He moved from Riverton because the rural feeling in Riverton had been ruined by development. He felt that Farmington would be the exception to the forthcoming commercial development. The people of Farmington pay higher taxes to preserve the open space and quiet atmosphere. When he and his family moved they overlooked the Botanical Gardens. Now it is an interchange. The current changes have taken out trees and have changed the area drastically.

H. Richard Heindel (715 Sommerset Street), chairman of the architectural committee for the Somerset area, said he had concerns about the parking and traffic impact on the area. Available parking lots on the site would be inadequate and would force users onto the road. It would promote pedestrians' need to cross the street, which would be very dangerous because of the amount of traffic. The requested use for the property is not appropriate and ill advised.

Louise Ann Callon (?) (1969 Kingston Road) felt the increase of traffic would negatively impact the safety of the school children's route to and from Knowlton Elementary. By opening the door to commercial development the problem will increase. If funerals were held during school traffic time, it would be even worse.

Tom Hori (1049 Melbourne Circle) stated the area used to be a nice residential place. Since the trees have been taken down and the interchange has been constructed it has opened the area to commercial use. He felt the traffic impact on the neighborhood would not be as negative as had been described. He felt the funeral home would be a better use for the property than some of the other possibilities. It would be impractical for anyone to think that the area can be kept as a strictly residential area.

David Kelley (?) (1127 Northridge Circle) felt there should be a review of the master plan for the area. Trying to turn left on Main Street is extremely difficult from the nearby residential areas.

Sharon Treu felt people may have been misled about the zoning of the property. There was a sign up indicating the property is commercial property. It is actually horse property.

Harv Jeppson (1717 North Main) stated that perhaps the citizens should allow the mortuary because they really have no way to know what the future may bring. There will likely be some other commercial use come in the future. He liked the open space in Farmington but knew that development would be coming and felt the funeral home may be better than something more intrusive. The highway is bringing the development.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration. They discussed the issues, including the following points:

- Mr. Petersen briefly discussed the need for increased revenues for the City. The City officials recognized the need and approved a study for economic development. The City will be in financial difficulty in the future if something is not done. There have been a lot of meetings held by the Economic Development Committee. A General Plan amendment was initiated several months ago. A consultant was hired to give input to the City officials. The consultant recommended the U.S. 89 corridor would be an ideal place for local retail use. Retail businesses should be concentrated or they may not succeed. The consultant supported some limited commercial use near the Cherry Hill interchange.
- Mr. Petersen reviewed the notification policies of the City. Notices are published in the Clipper. In addition, it is the policy (though not legally required) of Farmington City to notify property owners within 300 feet of the subject property. This particular public hearing was noticed to a larger area because staff realized there would be a keen interest among property owners throughout the area.
- Commission members asked questions regarding activities that would be conducted at the facility. Mr. Scott Russon stated the business was under strict OSHA standards. At this point in time, the Russon Brothers did not have plans for a crematory on the property. Only 25 percent of the services conducted by the mortuary are conducted on site. Most of the services are held at churches or at the cemetery. Based on experiences at the Bountiful facility, Mr. Russon felt the size

of the proposed building and adjacent parking would be adequate. It was projected in a recent study conducted for the Russon Brothers, that there would be about 1 funeral per week for the first few years. After 5 years, that would increase to 2 funerals per week. Brent Russon said that most services that would be held at the facility would likely be around 10 or 11 A.M. There are two viewing rooms planned for the proposed building. Viewing times at night would likely be between 6 to 8 P.M. or 7 to 9 P.M. He felt there would not be a traffic impact on the neighborhood.

- Commission members asked about lighting for the facility. Brent Russon stated it was likely that the hillside in back of the proposed building would protect residents from any lighting. Any signs used would be decorative.
- For the benefit of the audience, Mr. White stated that members of the Planning Commission were not elected officials. He commented on the tax issue that had been raised and stated that he was impressed that residents were willing to pay higher taxes in order to enjoy the quality of Farmington. He was concerned about the traffic impact that may increase from the construction of a mortuary in the neighborhood. He had personal experience with living near a mortuary and felt the business was a very quiet neighbor which provides a needed service to any town.
- Jim Talbot thanked the citizens for their input. Public hearings provided a valuable help to the process of the City. The Russon Brothers were very good about wanting to notify the public. Legally, they were not bound to do the large mailing that they did do. There are areas in Farmington that have already been zoned BP. They may be even better locations for the mortuary. City officials welcome comments and citizen involvement. Interested persons should volunteer through the City offices. In the past, Mr. Talbot had asked if there was a possibility of widening Main Street. There is not possibility of widening Main Street. Therefore, the traffic is going to be a problem. The Russon Brothers project would likely be one of the least intrusive uses of the land in question. He stated that as a neighbor of those in attendance he appreciated the comments made. People have come to Farmington and built or bought a home for various reasons. When changes come, it effects home owners in different ways. Another thing to keep in mind is that people have a right to use their property according to their wishes within legal requirements.
- Mr. Petersen expressed gratefulness for the public involvement of those in the neighborhood in question. He also stated that a zoning change does not require any schematic drawings, but the Planning Commission can ask for more information such as a site plan or a traffic study. The Planning Commission could

also decided to do a conditional rezone, wherein the zone will revert back to the original if the proposed use does not come to fruition.

- The Russon Brothers have a reputation of being a good corporate neighbor.
- Mr. Montgomery did some quick calculations and stated that the traffic numbers were a concern but may not be the problem that citizens felt they would be. He felt approval of the mortuary use would be a preventative measure to help the corridor remain quiet.
- Cindy Roybal reported one point of good news was that 1075 West would be opened soon. Routing traffic through 1075 West may help relieve the traffic pressure felt by citizens in the Somerset area.
- Zoning changes take a lot of study and are not taken lightly by the City.
- Ms. Roybal stated she lives across the street from the church on the northwest side of the Interchange and found them to be a good neighbor. The church was quiet, and traffic at the church was at a different time than high rush hour traffic.
- The public hearing process is valuable. Mr. Hill stated that when coming to the meeting he felt the requested use would be a good thing. However, as he listened to the citizens in attendance he felt he had been educated about the feelings of the neighbors. There was the issue of the property owner and his right to get the most out of his investment. However, it was important for the Commission to be cautious of the impact of any development on Farmington citizens.
- The nearby interchange had the biggest impact on the use of the property in question. It will likely not be the best residential property because of the interchange.
- Mr. Ritz asked if the transportation routes could be adjusted to relieve the traffic pressure from the property owners.
- If the project is approved it may be wise to have a right-turn only egressing from the mortuary.
- The general feeling is that the Commission may be premature in rezoning the property. The interchange is not completed. The mortuary does not need the rezone

Motion

Jim Talbot moved that the Planning Commission deny the request for a recommendation to amend the Farmington City General Plan by redesignating property located at 1798 North Main from “Low Density Residential” to “Office/Business Park,” and to further consider rezoning the property from “LR-F” to “BP” for purposes of establishing a funeral home.

In discussion of the motion, Mr. Talbot stated his reason for denial was that he felt unsure there could be resolution of all the issues in a two week period. Commission members agreed that they wanted to have more information regarding traffic.

Jordan White seconded the motion.

A roll call vote was taken with the following results: Jim Talbot, yes; John Montgomery, no; Cindy Roybal, no; Jordan White, yes; and Bart Hill, no; Keith Klundt, no. The motion failed.

Mr. Talbot felt that the two weeks which would be provided by a “tabling” motion would not provide enough time to gather the information needed. Traffic was an issue to discuss but was likely not the real problem. He felt the citizens were really concerned about the impact a rezone would have on their neighborhood.

There was a discussion of creating a committee made up of the citizens, staff, and the developer to work out issues.

Motion

Jordan White moved that the Planning Commission table the request for a recommendation to amend the Farmington City General Plan by redesignating property located at 1798 North Main from “Low Density Residential” to “Office/Business Park,” and to further consider rezoning the property from “LR-F” to “BP” for purposes of establishing a funeral home for a 30-day period (to February 12, 2004) to allow sufficient time to conduct a traffic study and to allow the citizens time to gain more information about the proposed use and current General Plan amendment proposal in process. **John** Montgomery seconded the motion.

In discussion of the motion, Mr. Petersen suggested there be a neighborhood meeting or open house to inform citizens of the General Plan amendments currently in process. The open house could be held on January 29th at 7 P.M. He also suggested that the City could take the lead and form a sub-committee of interested citizens as needed to work with the applicant in resolving issues.

A vote was taken resulting in a 4 to 1 approval of the motion. Mr. Talbot opposed the motion.

MOTION TO AMEND THE AGENDA

Jordan White moved that the Planning Commission consider business after the hour of 10:00 P.M. **John Montgomery** seconded the motion, which passed by unanimous vote.

RECESS

Chairman Ritz called for a 10 minute recess at 9:55 P.M.

RECONVENE

Chairman Ritz reconvened the meeting at 10:05 P.M.

PUBLIC HEARING: T-MOBILE REQUEST FOR A RECOMMENDATION TO REZONE 1,600 SQUARE FEET OF DAVIS COUNTY SCHOOL DISTRICT PROPERTY LOCATED AT 801 SHEPARD LANE FROM LR TO LS FOR PURPOSES OF ESTABLISHING A WIRELESS TELECOMMUNICATION FACILITY (Z-10-03) (Agenda Item #5)

Background Information

Background information is referenced in Agenda Item #6. Mr. Petersen reviewed the agenda item request for the Planning Commission. He stated that it was not uncommon for the communication towers to go on public grounds. The definition of spot zoning is something that is inconsistent with the General Plan. The zoning for the request is for 1600 square feet. He covered information for Agenda Item #6. If the request is approved, conditions should be added to provide for co-location of communication uses. The cell tower would be located essentially next to the freeway. The ordinance requires a coverage plan.

END OF PACKET MATERIAL.

Public Hearing for Agenda Item #5

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

Terry Cox (T-Mobile representative) stated that T-Mobile had also been known as Voice Stream Wireless. T-Mobile was proposing to build a 100-foot mono pole at Knowlton

Elementary School. The mono pole would be capable of holding three carriers at the 100 foot height. If another 20 feet were added, the pole would hold four carriers. School sites are often chosen by T-Mobile so that the least money can be given to the educational system. T-Mobile works with the schools to keep the towers out of the way and unobtrusive. He distributed a copy of the coverage plans. Coverage requirements were implemented by order of the FCC to fill increased resident user needs. The more customers the T-Mobile services, the more towers will be needed.

Mr. Petersen asked about satellite technology and if such would outdate the need for towers.

Mr. Cox stated that current satellite technology will not allow good reception by cell phones.

Joy Haffen (795 West South Hampton) raised a question regarding safety for the children on the play ground of the school property. She wanted to know if children could climb the tower and be in danger.

Mr. Petersen showed the site plan and stated there would be a 6-foot security fence around the tower. The School District has several of the communication towers on school property already.

Tracy Harris (761 West South Hampton Court) stated there were wetlands on the school property near the proposed location of the tower. The wetlands were used for education of the children where they held activities to study, pick up garbage, and observe. The students will be right in that area of the tower. If there is a draw for children, there is a liability risk.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration. The Commission discussed the issues, including the following points:

- Commission members asked the developer if there was a need for both sites being requested. Mr. Cox stated that both sites were needed, however, if one site was denied, the other site would still be requested. Mr. Cox stated there were actually 3 sites that would be needed in the Farmington area.
- Mr. White stated they he had concerns regarding the esthetics of the tower. They are intrusive and mar the view in Farmington.

- The T-Mobile engineer explained that there were customers in Farmington who were not receiving good coverage. The company had received between 25 and 50 complaints during a 30 day period. Primarily, the new tower will provide “in-building” coverage to many Farmington residents.
- Several alternative sites were discussed. The T-Mobile representatives stated that if the prime sites are not approved, it may be necessary to build additional towers in the City.

MOTION TO AMEND THE AGENDA

Jordan White moved that the Planning Commission consider Agenda Items 5, 6, and 7 in combination. **Jim Talbot** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: T-MOBILE REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A CELLULAR PHONE TOWER 100 FEET IN HEIGHT ON THE KNOWLTON ELEMENTARY SCHOOL GROUNDS LOCATED AT 801 SHEPARD LANE IN AN LS ZONE (C-18-03) (Agenda Item #6)

Background Information:

The specific site requested for the wireless telecommunication facility is located at the confluence of three land use plan designations – (1) General Commercial; (2) Low Density Residential; and (3) Public/Private Recreation Open Space and/or Parks Very Low Density. Enclosed for Planning Commission review is Section 11-8-105 entitled, “Conditional Use Standards” which outlines standards of review for conditional use applications. It appears the proposed request is consistent with these standards. It seems that a site adjacent to a major arterial (U.S. 89) is appropriate for a cellular phone tower. Furthermore, the cellular phone tower may be a compatible use with the nearby baseball field lights located at the City’s Shepard Park.

Section 11-28-190(d) of the Farmington City Zoning Ordinance states:

“A coverage plan site specific to the application shall be submitted by each company during placement of wireless telecommunication facilities. The coverage plan shall be submitted and accepted by the Planning Commission prior to the processing of any permits for permitted or a conditional use location. The coverage plan shall show approximate future locations that may be needed within a 24-month period from the date of approval by Planning Commission of facilities in adjoining areas and/or communities and provide specific locations when possible but are not required to detail the specific type (i.e., pole, roof, wall mount) of a facility.”

Coverage plans for the proposed tower will be presented at the Planning Commission meeting.

How does Team Mobile plan to access the site for periodic maintenance?

END OF PACKET MATERIAL.

PUBLIC HEARING: T-MOBILE REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A CELLULAR PHONE TOWER 100 FEET IN HEIGHT ON THE OLD MONTE VISTA ELEMENTARY SCHOOL ROUNDS LOCATED AT 100 SOUTH AND 100 EAST IN A BR ZONE (C-17-03) (Agenda Item #7)

Background Information:

The proposed cellular phone tower site is located in the heart of Farmington City's down town. The cell phone tower elevations erroneously indicate a facility 100 feet in height. The applicant, the proposed cell phone tower is proposed to only be 60 feet in height.

The cellular phone tower is proposed to be located near the heart of down town in a transition area between residential uses and non-residential uses on property zoned BR (Business Residential).

Enclosed for Planning Commission review is Section 11-8-105 Conditional Use Standards of the Zoning Ordinance. Paragraph 3 of this Section states: "The proposed use shall conform to the goals, policies, and governing principles of the comprehensive plan for Farmington City. The General Plan does not provide much guidance specific to wireless telecommunication facilities in the downtown area. However, the first goal of the General Plan is "based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This goal is the most significant element underlying the General Plan." The City's General Plan also states: "The City should work with Davis County, the School District and other property owners to develop a Downtown Master Plan. The Plan should include public open space and should

promote Farmington's historic heritage through establishing architectural standards and a consistent landscaping theme." A Downtown Master Plan was adopted by the City as an element of the General Plan in 1996. The Downtown Master Plan identifies 12 design principles (see enclosure).

The Planning Commission should consider whether or not the wireless telecommunication facility as proposed is consistent with these principles.

END OF PACKET MATERIAL.

Mr. Cox addressed the need for a cell tower at the Monte Vista location. The location is no longer used as an elementary school. The request was made that the tower be kept to 60 feet, thus no other carrier would be allowed to use the tower.

Mr. Petersen stated the Monte Vista site would be in a BR zone. He showed the site plan being proposed. The tower placement is on a bluff and in a predominate view.

Public Hearing for Agenda Items 4, 5, and 6 in combination

Chairman Ritz opened the meeting to a public hearing to hear public input on agenda items 4, 5, and 6.

John Mauszycki (250 East State Street) stated he was opposed to approving the tower because he felt it did not fit in rural Farmington with its hillside views and open spaces.

Ronald Atwood (89 South 350 East and owner of property at 86 South 350 East) stated his property was on the east side of the school grounds. He understood the need for the towers, but was concerned about the view in his part of town. He felt the unique character of the property around the Monte Vista School included the beautiful view. He did not want his property value decreased.

Jim Dessanti (240 East State Street) stated he was not against the tower but not in the area requested. The view would be interrupted. He suggested an alternative site at the Farmington Elementary school yard, in the ball diamond lighting area, behind one of the existing towers.

Paul Hatch (9 South 300 East) felt there would be room for the tower by Farmington Junior High, where it would fit in with other similar uses.

Susan Callister (1950 North Kaysville) raised concerns regarding the safety of students at Knowlton Elementary and also regarding high wind forces experienced in the area. She wondered if there would be barbed wire on the top of the security fences, which would be unsafe for children who may climb the fences.

Public hearing closed

With no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration. The Commission members discussed the issues, including the following points:

- Commission members asked regarding the high winds, stability of the poles, and safety issues in regards to the school children. Mr. Cox stated that the company was aware of the high wind problems and engineered the poles to building codes and for local wind events with ice loads. The poles were engineered for maximum strength because the last thing T-Mobile wanted was risk of liability. He also stated that the first climbing peg is 20 feet off the ground. Cabinets surround all ground-level equipment and a security fence surrounded the property. No incidents have ever occurred at T-Mobile tower sites. No lights would be on towers. With regards to radiation, the microwave frequency is safe even if a person is 3 feet away. A question was raised about lightning. Mr. Cox stated that T-Mobile grounds all their towers with lightning rods. Towers are regulated by the federal government. The area being requested by T-Mobile in Farmington had been thoroughly studied. Mr. Cox discussed the other suggested locations and stated they were not satisfactory.
- Mr. Montgomery asked if there was a way to tell when the cell phone need for towers would be saturated. Mr. Cox stated it would be extremely difficult to say.
- There was a brief discussion of alternative sites. Mr. Cox stated the T-Mobile always looked for existing sites first because it was very expensive to build new towers.

Motion on Agenda Item #6

Cindy Roybal moved that the Planning Commission grant conditional use and site plan approval to construct a cellular phone tower 100 feet in height on the Knowlton Elementary School grounds located at 801 West Shepard Lane subject to all applicable City ordinances and development standards and resolution of the following issues:

1. Materials for the new pole shall be of a neutral color.
2. Review and acceptance of a coverage plan by the Planning Commission.
3. Review and approval of a landscape plan prepared by the applicant for the site.

4. Review and approval of this application by the Farmington City Building Inspector.
5. The cellular tower shall be designed as a co-location facility with the ability to add a second carrier and with the ability to extend the tower another 20 feet higher to add a third carrier;
6. Conditional use approval is subject to the City Council rezoning the property.

Jim Talbot seconded the motion. The motion passed by a 4 to 1 vote. Mr. White opposed the motion.

Motion on Agenda Item #5

Cindy Roybal moved that the Planning Commission recommend to the City Council that they rezone a portion of Davis county School District property located at 801 Shepard Lane from “LR” to “C” for purposes of establishing a wireless telecommunications facility. **Keith Klundt** seconded the motion. The motion passed 4 to 1. Mr. White opposed the motion.

Motion on Agenda Item #7

John Montgomery moved that the Planning Commission table consideration of the request for conditional use and site plan approval to construct a cellular phone tower 100 feet in height on the old Monte Vista Elementary School grounds located at 100 South and 200 East to provide time for the applicant to submit photographic illustrations of site plans for towers of different heights and to submit alternative locations for the towers. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings for Agenda Items #5, 6, and 7

1. The Planning Commission approved the request by T-Mobile to locate a tower site at the Knowlton Elementary School after being satisfied that all safety and aesthetic issues had been resolved.
2. The motions regarding the Knowlton Elementary School tower site would provide Farmington citizens with improved services from T-Mobile and were compliant with Farmington City standards and ordinances. The motions were consistent with the General Plans for the area.
3. The motion to table action regarding the Monte Vista T-Mobile site provided time

to gain more information about how the site would be impacted. It also allowed for consideration of alternative sites that may serve Farmington citizens while protecting the unique character of the City's rural nature.

MEETING ADJOURNMENT

Bart Hill moved that the Planning Commission adjourn at 11:00 P.M. **Jim Talbot** seconded the motion. The voting was unanimous in the affirmative.

Cory Ritz, Chairman
Farmington City Planning Commission